



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

### RICHFIELD FIELD OFFICE

150 East 900 North  
Richfield, UT 84701  
<http://www.ut.blm.gov>



IN REPLY REFER TO:

3809  
(UT-050)  
UTU-71640

April 23, 2003

CERTIFIED MAIL 7001 0320 0003 4257 4930  
RETURN RECEIPT REQUESTED

### DECISION

<b>Operator:</b>	:	<b>Notice:</b> UTU-71640
Mr. Steven Sorenson	:	Additional Information Requested
KSC Rocks	:	43 CFR 3809.552(a)
235 North Main	:	
Kanosh, UT 84637	:	

On November 13, 2002, your request to extend notice UTU-71640 was received in this office, and your request included a reclamation cost estimate in accordance with 43 CFR 3809.554. Your reclamation cost estimate of \$550.00 has been reviewed, and your cost estimate is insufficient for the following reasons:

1. The reclamation cost estimate you provided appears to address only the existing small pit and an adjacent pile of excavated rock material. Since your estimate only addresses the relatively small, existing quarry and rock dump, you would have no opportunity to continue any mining activity that would extend or increase the surface disturbance. Your original notice and your request address a disturbance that would not exceed 1 acre. The reclamation cost estimate must address the existing disturbances and at least the disturbance proposed for the next mining season or campaign.
2. The reclamation cost estimate did not include the small area, located upslope from the present quarry. This area was previously bladed as part of your operations.
3. The reclamation cost estimate must be calculated as if BLM were contracting with a third party to reclaim your operations according to the reclamation plan.

Enclosed is cost estimate for reclamation that has been prepared by staff of the Bureau of Land Management for your notice. The total reclamation cost in this estimate is \$13,73.77, which is rounded to \$13,700.00. This estimate is based on the following assumptions:

1. The quarry operations could disturb up to one acre, based on your notice.

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DIV. OF OIL, GAS & MINING



2. Future mining and quarrying will produce an expanded quarry, rock piles of usable material and reject material, and a highwall cut into a slope.
3. An excavator is selected as the equipment to be used for re-contouring and reclaiming the site due to the grade of the natural slope (>30%) and a proposed quarry with a highwall, rock piles, and/or waste dumps.

Within 30 days of receipt of this decision, you may provide any information that would assist in resolving the differences between your cost estimate and the BLM estimate. You have an option of filing a financial guarantee for part of your proposed operations (43 CFR 3809.553), and you may contact Michael Jackson this office, if you would like to consider that option. If we do not hear from you within 30 days of receipt of this decision, a second decision will be issued from this office that requires you to post a financial guarantee for the entire operation in the amount \$13,700.00.

In the interim, while you obtain the additional information that has been requested, your notice is conditionally extended. Mining-related activity may continue in accordance with your existing notice on file with this office. If you have any questions concerning what activity is allowed, then you may contact Michael Jackson at (435) 896-1522.

If you do not agree and are adversely affected by this decision, you may have the Utah BLM State Director review this decision in accordance with 43 CFR 3809.804. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request for a State Director review must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect, while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the Utah State Director does not make a decision on whether to accept your request for review of this decision within 21 days of the receipt of the request for a review, you should consider the request as declined, and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You then have 30 days in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass the State Director review, this decision may be appealed directly to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 days from receipt of this decision. The address for this office is: Richfield Field Office, 150 East 900 North, Richfield UT 84701. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient



justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant=s success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lori Armstrong', with a long horizontal flourish extending to the right.

Lori Armstrong  
Associate Field Manager

Enclosures: Form 1842-1  
BLM Reclamation Cost Estimate  
Federal Regulations at 43 CFR 3809

cc (without attachments):

Leland and Donna Sorenson, P. O. Box 21036, Axtell, Utah 84621

Lynn Kunzler, Division of Oil, Gas, and Mining, State of Utah, Box 145801, Salt Lake City, Utah 84114-5801 (S/041/027)